

Public Hearing – February 25, 2022  
Environment Committee

Testimony Submitted by Commissioner Katie S. Dykes

### **House Bill No. 5141 – An Act Concerning the Protection of Certain Fish Species**

Thank you for the opportunity to present testimony regarding **House Bill No. 5141 – An Act Concerning the Protection of Certain Fish Species**. The purpose of this bill is to implement fishery possession limits for forage fish species that will prevent future development of more intensive fisheries for those species.

The Department of Energy and Environmental Protection (DEEP) **supports** the intent of this bill. DEEP recognizes the important role that marine forage fish species play in coastal ecosystems as well as the economic importance of recreational and commercial fisheries for larger predatory fish that rely on forage fish. Currently, low-level fisheries exist in Connecticut for the four species considered by this bill (tidewater silverside, Atlantic silverside, sand lance or sand eel, bay anchovy), and there are no possession limits in place for those species. Current harvest practices for these species are characterized by sporadic, low-level landings by commercial bait fishing licensees and some recreational fishers who choose to collect their own bait. The proposed 200-pound daily possession limit would in no way disrupt traditional bait fishing practices, while precluding future intensification of harvest which could have negative ecosystem and fishery impacts via depletion of forage fish populations. This type of progressive, pre-emptive forage fish management is in keeping with similar measures recently adopted by regional states (MA, RI) and by interstate fisheries management bodies (i.e., the Mid-Atlantic Fisheries Management Council Unmanaged Forage Omnibus Amendment implemented by NOAA National Marine Fisheries Service in 2017).

DEEP would welcome the opportunity to work with the Committee and advocates for this legislation to revise the raised bill. DEEP feels several modifications would improve the raised bill and enable the agency to fully support it. Rather than implementing the new fishery possession limits in Connecticut General Statutes (CGS) Sec. 26-142a, DEEP suggests CGS Sec. 26-127 “Conservation of bait species” as a more appropriate statute section for inclusion of the new possession limits. DEEP also suggests inclusion of standard language used in Regulations of Connecticut State Agencies (RCSA) to clarify that the proposed possession limits will apply when “on the waters of the state or on any parcel of land... abutting the waters of this state” (e.g., see RCSA Sec. 26-159a-4) to clarify that possession limits apply to individuals on or adjacent to the water (i.e., in the act of fishing) and will not restrict the amount of a given species that an individual may be in possession of within their home or business. DEEP recommends striking the proposed revisions to CGS Sec. 26-45, as this statute concerns commercial bait dealer licenses. A commercial bait dealer license does not permit the licensee to take or land bait species (including the four species addressed by this legislation), and therefore this section of statute need not be revised to implement fishery possession limits; additionally, DEEP does not feel it is appropriate to restrict commercial bait wholesalers or retailers from being in possession of more than 200 pounds of the four species, as is currently contemplated by the proposed revisions to CGS Sec. 26-45. Finally, DEEP suggests the revised statute should limit individuals

to possession of “not more than 200 pounds” to make the effective possession limit 200 pounds (the current proposed language for CGS Sec. 26-142a states that individuals shall not land “200 pounds or more”, which would make the effective possession limit 199 pounds).

DEEP proposed revision:

Sec. 26-127. Conservation of bait species. Any person who transports out of this state any bait species taken from any of the waters of this state or who takes, assists in taking or attempts to take any bait species from any such waters for the purpose of transporting the same out of the state shall be guilty of a class D misdemeanor; but no provision of this section shall prevent the exportation of bait species propagated and grown in private waters registered with the commissioner as such or in licensed commercial hatcheries. No person while on the waters of this state or any parcel of land, structure, or portion of a roadway abutting the waters of this state shall possess or land more than two hundred pounds of the following species: (1) tidewater silverside, (2) Atlantic silverside, (3) sand lance or sand eel, or (4) bay anchovy.

Thank you for the opportunity to present testimony on this proposal. Should you have any questions, please do not hesitate to contact Harrison Nantz, the Department’s legislative liaison, at [Harrison.nantz@ct.gov](mailto:Harrison.nantz@ct.gov).